

Listing of States' Absolute and Percentage Preferences

Compiled by - The Virginia Department of General Services - Division of Purchases and Supply

* Suggested term and condition provided at bottom of document

Page 1 of 21

State	Absolute Preferences	Percentage Preferences
<u>Alabama</u>	Code of Alabama, Title 23, §23-1-51 All motor fuels, oils, greases and lubricants bought by or for the State Department of Transportation for use in the construction, maintenance and repair of the county roads and bridges shall be purchased from vendors and suppliers residing in the county where such motor fuels, oils, greases and lubricants are to be used.	Code of Alabama, Title 41, § 41-16-20 –With the exception of public works contracts a preference is applied in all contracts involving \$7,500 or more to a person, firm or corporation who (1) produces or manufactures the product within the State of Alabama; (2) has an assembly plant or distribution facility for the product within the State of Alabama; and (3) is organized for business under the applicable laws of the State of Alabama as a corporation, partnership, or professional association and has maintained at least one retail outlet or service center for the product or service within the State of Alabama for not less than one year prior to the deadline date of the competitive bid as long as the bid of the preferred bidder is no more than 5% greater than the bid of the lowest responsible bidder.
<u>Alaska</u>	Alaska Statutes, § 35.27.020. Art Requirements For Public Buildings and Facilities (g) When purchasing art for Public Buildings a preference is given the use of state culture and the selection of Alaska resident artists	<p>Alaska Statutes, § 36.15.050 – Contracts and calls for bids <u>shall</u> denote a preference for agricultural products harvested in the state of Alaska and for fisheries products harvested or processed within the jurisdiction of the State of Alaska when purchased by the state or by a school district that receives state money as long as it is no more than <u>7%</u> higher than non-Alaskan products.</p> <p>Alaska Statutes, §36.30.170 <i>Part (a)– Contract award after bids</i>—Generally, contracts are awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the invitation to bid, except as provided by the following. <i>Part (b)–Alaska Products</i>--Applies an Alaska bidder preference of <u>5%</u>, an Alaska products preference as described in §§36.30.322 through 36.30.328, and a recycled products preference under §36.30.337 over the lowest responsive and responsible bidder. <i>Part (c)–Employment Program</i>--Award to an Alaska bidder who is not more than <u>15%</u> higher than the lowest bid when Alaska bidder offers services through an employment program. "Program" means the state training and employment program established in Alaska Statutes, § 23.15.620 through 23.15.660. <i>Part (d)–Insurance Related</i>--An Alaska bidder preference of <u>5%</u> over the lowest bid for insurance related contracts. <i>Part (e)–Qualified Entity</i>--An Alaska bidder preference of <u>10%</u> over the lowest bid applied to a bidder who qualifies under §36.170(b) and is a qualifying entity. Qualifying entity is defined as (1) a sole proprietorship owned by a person with a disability; (2) a partnership if each of the partners is a person with a disability; or (3) a limited liability company if each of the members is a person with a disability. <i>Part (f)–Employees with Disability</i>--An Alaska bidder preference of <u>10%</u> over the lowest bid if at least 50 % of bidder's employees at time of the bid are persons with a disability.</p> <p><i>Sec. 36.30.322. - Sec. 36.30.328</i></p> <p><i>Use of local forest products. (a) Only timber, lumber, and manufactured lumber products originating in this state from Alaska forests may be procured by an agency or used in construction projects of an agency unless the manufacturers and suppliers who have notified the</i></p>

State	Absolute Preferences	Percentage Preferences
		<p><i>commissioner of commerce, community, and economic development of their willingness to manufacture or supply Alaska forest products (1) have been given reasonable notice of the forest product needs of the procurement or project; and (2) are unable to supply the products at a cost that is within seven percent of the price offered by a manufacturer or supplier of non-Alaska forest products. (b) The provisions of AS 36.30.326- 36.30.332 do not apply to procurements of timber, lumber, and manufactured lumber products or the use of those items in construction projects of an agency. (c) During the period of performance of a state contract, the contractor shall maintain records showing efforts made in using Alaska forest products or evidence of Alaska forest products not being available or reasonably competitive. The contractor shall provide the records to the procurement officer on a periodic basis, as required by regulations adopted by the commissioner of commerce, community, and economic development.</i></p> <p><i>Use of Alaska products and recycled Alaska products. Alaska products shall be used whenever practicable in procurements for an agency. Recycled Alaska products shall be used when they are of comparable quality, of equivalent price, and appropriate for the intended use.</i></p> <p><i>Grant of Alaska products preference. In the evaluation of a bid or proposal for a procurement for an agency, a bid or offer that designates the use of Alaska products identified in the contract specifications and designated as Class I, Class II, or Class III state products under AS 36.30. 332 is decreased by the percentage of the value of the designated Alaska products under AS 36.30.332.</i></p> <p>Alaska Statutes, § 36.30.332 - Preference for the following Alaska products: Preference of 3% for Class I products that are more than 25 % and less than 50 % produced or manufactured in the State of Alaska. Preference of 5% for Class II products that are 50 % or more and less than 75 % produced or manufactured in the State of Alaska. Preference of 7% for Class III products that are 75 % produced or manufactured in the State of Alaska.</p> <p>Alaska Statutes, § 36.30.338 - Definitions: "Alaska product" means a product of which not less than 25 % of the value has been added by manufacturing or production in the State of Alaska.</p> <p><i>"Produced or manufactured" means processing, developing, or making an item into a new item with a district character and use through the application within the state of materials, labor, skill or other services.</i></p> <p><i>"Product" means materials or supplies but does not include gravel and asphalt.</i></p> <p><i>"Recycled Alaska product" means an Alaskan product of which not less than 50 % of the value of the product consists of a product that was previously used in another product, if the recycling</i></p>

State	Absolute Preferences	Percentage Preferences
		<p><i>process is done in the State of Alaska.</i></p> <p>Title 2, Alaska Administrative Code, § 12.260 - Part (d): Alaska Bidder. The price of an offeror who qualifies as an Alaska bidder under AS 36.30.170 (b) shall be reduced by 5% and all other applicable preferences must be applied.</p>
<u>Arizona</u>		<p>Arizona Revised Statutes Annotated, Title 34, § 34-242 - Preference for bidders who furnish materials produced or manufactured in the State of Arizona to construct a building or structure, or additions to or alterations of existing buildings or structures to any political subdivision of the State of Arizona as long as a competing bidder is less than <u>5%</u> lower. Bidders cannot claim a preference pursuant to both §§ 34-242 and 34-243 and may not receive more than 5 % total preference.</p> <p>Arizona Revised Statutes Annotated, Title 34, § 34-243 - Preference to bidders who furnish materials supplied by a dealer who is a resident of the State of Arizona to construct a building or structure, or additions to or alterations of existing buildings or structures for any political subdivision of Arizona whenever the bid of a competing bidder is less than 5% lower than that of the resident dealer.</p>
<u>Arkansas</u>	<p>Arkansas Code Annotated, AR ST §13-8-206(c)(2)– Preference for works of art by Arkansas artists when purchasing or commissioning art work for a state agency building to be constructed or renovated.</p>	<p>Arkansas Code Annotated, AR ST § 19-11-259(b) - Preference to a firm resident in Arkansas in the purchase of commodities that are materials and equipment used in public works projects if the bid does not exceed the lowest qualified bid from a nonresident firm by more than <u>5%</u> and if one (1) or more firms resident in Arkansas made written claim for a preference at the time the bids were submitted.</p> <p>Arkansas Code Annotated, AR ST § 19-11-304 - Priority for bids submitted by private industries located within the State of Arkansas and employing Arkansas taxpayers over bids submitted by out-of-state penal institutions employing convict labor.</p> <p>Arkansas Code Annotated, AR ST § 19-11-305 and AR ST §19-11-306 - Preference of 5% to Arkansas bidders (as provided for in §19-11-259) in the purchase of commodities that are materials and equipment used in public works projects against bids received from private industries located outside the State of Arkansas; and a preference of 15% to Arkansas bidder against bids by an out-of-state correctional institution.</p>
<u>California</u>	<p>California Government Code, Title 1, Division 5, Chapter 10.5, §4531– Preference for California based companies submitting bids or proposals for state contracts to be performed at worksites in distressed areas by persons with a high</p>	<p>California Government Code, Title 1, Division 5, Chapter 4, § 4334 - Preference of <u>5%</u> to bidders manufacturing supplies in the State of California to be used or purchased in the letting of contracts for public works, with the construction of public bridges, buildings and other structures,</p>

Last Updated 9/16/2005 Page 3 of 21

State	Absolute Preferences	Percentage Preferences
	risk of unemployment when the contract is for goods or services in excess of \$100,000.00. (Target Area Contract Preference Act).	<p>or with the purchase of supplies for any public use.</p> <p>California Government Code, Title 1, Division 5, Chapter 10.5, § 4533 -- Contracts for goods in distressed areas. Preference of 5% in contracts for goods in excess of \$100,000 given to California based companies that have at least 50 % of the labor hours required to manufacture the goods and perform the contract performed at a worksite or worksites located in a distressed area.</p> <p>California Government Code, Title 1, Division 5, Chapter 10.5, § 4533.1 -- Additional preference awarded to bidders for contracts of goods in excess of \$100,000 and who comply with § 4533 are as follows:</p> <p>1% preference for bidders who agree to hire persons with high risk of unemployment equal to 5 to 9 % of its work force during the period of contract performance;</p> <p>2% preference for bidders who agree to hire persons with high risk of unemployment equal to 10 to 14 % of its work force during the period of contract performance;</p> <p>3% preference for bidders who agree to hire persons with high risk of unemployment equal to 15 to 19 % of its workforce during the period of contract performance; and</p> <p>4% preference for bidders who agree to hire persons with high risk of unemployment equal to 20 % or more of its workforce during the period of contract performance.</p> <p>California Government Code, Title 1, Division 5, Chapter 10.5, § 4534 -- Preference of 5% in contracts for services in excess of \$100,000 given to California based companies that have no less than 90 % of the labor required for the contract performed at a worksite or worksites located in a distressed area.</p> <p>California Government Code, Title 1, Division 5, Chapter 10.5, § 4534.1 -- Additional preferences as set forth in § 4533.1 are awarded to bidders for contracts of services in excess of \$100,000 who comply with provisions as set forth in § 4534.</p> <p>California Government Code, Title 1, Division 5, Chapter 10.5, § 4535.2 -- The maximum preference and incentive a bidder may be awarded under Chapter 10.5, the Target Area Contract Preference Act, is 15% and is not to exceed a cost preference of \$50,000. The combined cost of preferences and incentives granted pursuant to Chapter 10.5 and any other provision of law is not to exceed \$100,000. Small business bidders qualified in accordance with</p>

State	Absolute Preferences	Percentage Preferences
		<p>Section 14838 shall have precedence over non-small business bidders.</p> <p>California Government Code, Title 1, Division 7, Chapter 12.8, § 7084 – Preference of 5% when a the state prepares a solicitation for a <i>contract for goods</i> in excess of \$100,000 to California based companies who certify that not less than 50 % of the labor hours required to perform the contract shall be accomplished at a worksite or worksites located in an enterprise zone.</p> <p>Preference of 5% in evaluating proposals for <i>contracts for services</i> in excess of \$100,000 to California based companies who certify that not less than 90 % of the labor hours required to perform the contract shall be accomplished at a worksite or worksites located in an enterprise zone.</p> <p>1% preference given to bidders who agree to hire persons living within a targeted employment area or enterprise zone equal to 5 to 9 % of its workforce.</p> <p>2% preference given to bidders who agree to hire persons living within a targeted employment area or enterprise zone equal to 10 to 14 % of its work force.</p> <p>3% preference given to bidders who agree to hire persons living within a targeted employment area or enterprise zone equal to 15 to 19 % of its workforce.</p> <p>4% preference given to bidders who agree to hire persons living within a targeted employment area or enterprise zone equal to 20% or more of its workforce during the period of the contract performance.</p> <p>The maximum preference awarded to a bidder under the California Government Code, Chapter 12.8, Enterprise Zone Act, is 15%, and the maximum preference cost cannot exceed \$50,000.00.</p> <p>California Government Code, Division 7, Title 1, Chapter 12.97, § 7118 - A preference of 5% is awarded to California-based companies in <i>contracts for goods</i> in excess of \$100,000 if no less than 50 % of the labor required to perform the contract is accomplished at a worksite or worksites located in a local agency military base recovery area (LAMBRA).</p> <p>A preference of 5% is awarded to California-based companies in <i>contracts for services</i> in excess of \$100,000 if no less than 90 % of the labor required to perform the contract is accomplished at a worksite or worksites located in a local agency military base recovery area (LAMBRA).</p>

State	Absolute Preferences	Percentage Preferences
		<p>A 1% preference for bidders who agree to hire persons living within a LAMBRA that is equal to 5 to 9 % of its work force during the period of contract performance.</p> <p>A 2% preference for bidders who agree to hire persons living within a LAMBRA that is equal to 10 to 14 % of its work force during the period of contract performance.</p> <p>A 3% preference for bidders who agree to hire persons living within a LAMBRA that is equal to 15 to 19 % of its work force during the contract performance.</p> <p>A 4% preference for bidders who hire persons living within a LAMBRA that is equal to 20 % or more of its work force during the contract performance.</p> <p>The maximum preference a bidder may be awarded under Chapter 12.97, Local Agency Military Base Recovery Area Act, is 15% and the maximum preference cost cannot exceed \$50,000.00.</p> <p>A small business bidder, who is the lowest responsible bidder or is eligible for a 5% small bidder's preference, notwithstanding any other provision of this section, shall be given precedence over businesses too large to be categorized as a small business.</p>
<u>Colorado</u>	<p>Colorado Revised Statutes Annotated §24-30-1403 Professional Services. State agencies purchasing professional services shall give preference to Colorado firms when qualifications are equal.</p> <p>Colorado Revised Statutes Annotated, §43-1-1406 Design-build Contracts. Department of Transportation shall allow a preference to Colorado residents in awarding an adjusted score design-build contract unless it would conflict with Federal requirements.</p>	Colorado Revised Statutes Annotated § 8-18-103 Preference for State Agricultural Products. Governmental bodies shall give preference to agricultural products produced in Colorado by a resident bidder when the product is suitable and available in sufficient quantity.
<u>Connecticut</u>	None	None
<u>Delaware</u>	Delaware Code, Title 29, § 6962 - Preference for laborers, workers or mechanics in the construction of all public works for the State of Delaware or any political subdivision, or by firms contracting with the State or any political subdivision thereof.	
<u>District of Columbia</u>	District of Columbia Code, Title 2, § 2-303.01 - Preference for the purchase of materials, equipment, and supplies produced in the District or sold by District-	

State	Absolute Preferences	Percentage Preferences
	<p>based businesses under rules set by the mayor.</p> <p>District of Columbia Code §2-217.03. Assistance programs for local business enterprise contractors, disadvantaged business enterprise contractors, and small business enterprise contractors.</p> <p>(a) The Mayor pursuant to §2-217.06. shall make rules to assist local, small, or disadvantaged business enterprises and shall include preferences and set-asides. In evaluating bids and proposals, agencies shall award preference points as follows:</p> <p>(A) (i) Three points for resident business ownership; (ii) Four points for local business enterprises; (iii) Two points for businesses located in enterprise zones; and (iv) Three points for disadvantaged business enterprises.</p> <p>(B) A percentage reduction in price, in the case of bids, as follows: (i) Three percent for resident business ownership; (ii) Four percent for local business enterprises; (iii) Two percent for businesses located in enterprise zones; and (iv) Three percent for disadvantaged business enterprises.</p> <p>(3) A bid or proposal from a qualified business enterprise may be entitled to any or all of the preferences provided in paragraph (2) of this subsection.</p> <p>(c) A certified prime contractor shall perform at least 50% of the contracting effort, excluding the cost of materials, goods, and supplies, with its own organization and resources, and if it subcontracts, 50% of the subcontracted effort excluding the cost of materials, goods, and supplies shall be with certified local, disadvantaged, or small business enterprises.</p> <p>(d) For construction contracts of up to \$1 million, a certified prime contractor shall perform at least 50% of the on-site work with its own work force, excluding the cost of materials, goods, supplies, and equipment, and, if it subcontracts, 50% of its subcontracts, excluding the cost of materials, goods, supplies and equipment, shall be with certified local, small, or disadvantaged business enterprises</p>	
<u>Florida</u>	None	None
<u>Georgia</u>	None	None

State	Absolute Preferences	Percentage Preferences
<u>Hawaii</u>	<p>Weil's Code of Hawaii Rules, Title 16, Chapter 77 §16-77-1.14 Instruction to Bidders. Bidders seeking a Hawaii preference must identify the class and percentage of Hawaii product in their bid. The price bid for a Hawaii product will be decreased 3%, 5 % or 10 % for Class I, Class II or Class III products. (See Title 9, § 103D-1002 above) In the case of a tie bid, preference will be given to registered Hawaii products. Reciprocal consideration will be given to out of state products and will be added to the out of state bid.</p>	<p>Hawaii Revised Statutes, Title 9, § 103D-1002</p> <p>Preference of 3% for Class I Hawaii products that have 25% to 49% of their manufactured cost in Hawaii</p> <p>Preference of 5% for Class II Hawaii products that have 50% to 74% of their manufactured cost in Hawaii</p> <p>Preference of 10% for Class III Hawaii products that have 75% or more of their manufactured cost in Hawaii.</p> <p>Hawaii products mean products that are mined, excavated, produced, manufactured, raised, or grown in the state where the input constitutes no less than 25 % of the manufactured cost. (H.R.S., § 103D-1001)</p> <p>Hawaii Revised Statutes, Title 9, § 103D-1003 - Preference of 15% is awarded to contracts in which all work will be performed in the State of Hawaii for printing, binding or stationery, including all preparatory work, presswork, bindery work, and any other production-related work. Where bids are for work performed in-state and out-of-state, the amount bid for work performed out-of-state shall be increased by 15 %.</p> <p>Hawaii Revised Statutes, Title 13, § 201-4 The department of business, economic development and tourism may hire qualified private and public agencies, associations, firms, or individuals provided that preference is given to contractors within the state.</p> <p>Weil's Code of Hawaii Rules, Title 3, Chapter 124, § 3-124-5 .Where all other criteria are equal, preference is given to Hawaii products as long as the price does not exceed the price of a similar non-Hawaii product by more than 3%, where class I registered Hawaii products are involved, or 5% where class II registered Hawaii products are involved, or 10% where class III registered Hawaii products are involved.</p> <p>Weil's Code of Hawaii Rules, Title 3, Chapter 124, § 3-124-34(a) - Price preference of 10% applied to Hawaii software development businesses.</p> <p>Weil's Code of Hawaii Rules, Title 3, Chapter 124, § 3-124-44(a) - Preference of 7% for in-state contractors bidding on public works contracts.</p>
<u>Idaho</u>	<p>Idaho Code, Title 60, § 60-101 -- Preference for all printing, binding, engraving and stationery work to be executed within the State of Idaho, except when, as</p>	<p>Idaho Code, Title 60, § 60-103) – Preference given to an Idaho person, firm or corporation proposing to execute printing, engraving, binding, and stationery work in the State of Idaho</p>

Last Updated 9/16/2005 Page 8 of 21

State	Absolute Preferences	Percentage Preferences
	<p>provided in § 60-103 of the Idaho Code, the instate charge is higher than is normally charged private individual or requires a technique or process not available in Idaho when that technique or process is essential.</p> <p>Idaho Code, Title 44.Chapter 10 §44-1001 In all state, county, municipal, and school construction, repair, and maintenance work under any of the laws of this state the contractor, or person in charge thereof must employ ninety-five percent (95%) bona fide Idaho residents as employees on any such contracts except where under such contracts fifty (50) or less persons are employed the contractor may employ ten percent (10%) nonresidents, provided however, in all cases such employers must give preference to the employment of bona fide Idaho residents in the performance of such work; provided, that in work involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged soldiers, sailors, and marines, prohibiting as unlawful any other preference or discrimination among the citizens of the United States.</p> <p>Idaho Code, Title 44, Chapter 10, § 44-1002. In all contracts for state, county, municipal, and school construction, repair, and maintenance work the contractor must employ 95% bona fide Idaho residents as employees on any job under any such contract except where under such contracts 50 or less persons are employed the contractor may employ 10% nonresidents, provided, however, in all cases employers must give preference to the employment of bona fide residents in the performance of said work.</p> <p>Idaho Code, Title 50, Chapter 3, §50-341 In contracts by cities, when the expenditure contemplated exceeds \$25,000, where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. (See above.)</p> <p>Idaho Code Title 40, Chapter 9, § 40-906. and Title 31 Chapter 40, § 31-4003 When the expenditure contemplated for highways and bridges, or expenditures for which bids are required, exceeds \$5,000, but not \$25,000 the district shall obtain price or cost quotations from at least 3 responsible vendors in the business of supplying such goods or services. To enhance small business bidding opportunities, the district shall seek a minimum of 3 price quotations from registered vendors having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. If the district finds that it is impractical or impossible to obtain 3 quotations for the proposed transaction, the district may</p>	<p>unless the price is more than 10% higher than a bid to perform the work out of state.</p>

State	Absolute Preferences	Percentage Preferences
	acquire the property in any manner the district deems best. The district shall then procure the goods or services from the responsible vendor quoting the lowest price. When the expenditure contemplated exceeds \$25,000, it shall be contracted for and let to the lowest responsible bidder. Where both bids and quality of property offered are the same, preference shall be given to the property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code.	
<u>Illinois</u>	Illinois Compiled Statutes Annotated, 30 ILCS § 555/1 -Every institution in the State of Illinois is required to give a 10% preference to the cost of coal mined in the State of Illinois if used as fuel. The term "institution" means all institutions maintained by the State of Illinois or any political subdivision thereof or municipal corporation therein, including municipally-owned public utility plants. (30 ILCS § 555/2)	
<u>Indiana</u>		Indiana Code, Title 5, Article 22, Chapter 15, § 5-22-15-23 - A preference of 15% is awarded to an Indiana small business. Small business is defined as a business that is independently owned and operated; is not dominant in its field of operation; and has the following criteria: (1) A wholesale business is not a small business if its annual sales for its most recently completed fiscal year exceed \$4,000,000. (2) A construction business is not a small business if its average annual receipts for the preceding three (3) fiscal years exceed \$4,000,000. (3) A retail business or business selling services is not a small business if its annual sales and receipts exceed \$500,000. (4) A manufacturing business is not a small business if it employs more than 100 persons. (Burns Indiana Code, §5-22-14-3) Indiana Code Title 4, Article 13, Chapter 6 §2.7 (See IC5-15-20 below) Preference for Indiana businesses with principal place of business located in Indiana, that pays a majority of its payroll (in dollar volume) to residents, and has a substantial positive economic impact on Indiana (c) There are the following price preferences for a contractor that is an Indiana business: (1) Five percent (5%) for a contract expected by the division to be less than five hundred thousand dollars (\$500,000). (2) Three percent (3%) for a contract expected by the division to be at least five hundred thousand dollars (\$500,000) but less than one million dollars (\$1,000,000). (3) One percent (1%) for a contract expected by the division to be at least one million dollars (\$1,000,000). The division shall award a contract to the lowest responsive and responsible contractor, regardless of the preference provided in this section, if: (1) the contractor is an Indiana contractor; or (2) the contractor is a contractor from a state bordering Indiana and the contractor's home state

State	Absolute Preferences	Percentage Preferences
		does not provide a preference to the home state's contractors more favorable than is provided by Indiana law to Indiana contractors.
<u>Iowa</u>	Iowa Code Annotated, Title II, Subtitle 3, Chapter 73, § 73.6 - Preference for the purchase of coal that is mined or produced within the State of Iowa by producers who are complying with all the workers' compensation and mining laws of the state.	
<u>Kansas</u>	None	None
<u>Kentucky</u>	None	None
<u>Louisiana</u>	Louisiana Revised Statutes, Title 39, § 39:1733 - Set aside for awarding to small businesses an amount not to exceed 10 % of the value of anticipated total state procurement of goods and services, excluding construction.	<p>Louisiana Revised Statutes, Title 30, Subtitle II, Chapter 18, § 30:2415 – 5% preference for state agencies in Louisiana to purchase recycled paper and paper products, tissue and paper towels that contain recycled content, provided that such products are either manufactured in Louisiana or contain recovered materials diverted or removed from the solid waste stream which otherwise would go into a Louisiana landfill.</p> <p>Louisiana Revised Statutes, Title 38, Chapter 10, Part IV § 38:2251 -- A preference is applied for products assembled, processed, produced or manufactured in Louisiana as long as the price does not exceed the cost of such products from out of state by more than 10%.</p> <p>A preference is applied for processed meat, meat products, domesticated catfish and produce grown outside of the State of Louisiana, but processed in the State of Louisiana if it does not exceed the cost of these items processed outside the state by 7%.</p> <p>A preference is applied for produce produced and processed in Louisiana as long as it does not exceed the cost of produce produced and processed outside the state by more than 10%.</p> <p>A preference is applied for purchasing Louisiana products which include materials, supplies and equipment as long as they do not exceed the cost of non Louisiana products by more than 10%. "Louisiana products" means products which are manufactured, processed, produced, or assembled in Louisiana.</p> <p>Louisiana Revised Statutes, Title 38, Chapter 10, Part IV § 38:2251.1 – A preference for milk and dairy products produced or processed in Louisiana unless it exceeds the cost of milk from outside the state by 10%.</p>

State	Absolute Preferences	Percentage Preferences
		<p>Louisiana Revised Statutes, Title 38, Chapter 10, Part IV § 38:2251.2 -- A 10% preference for steel rolled in Louisiana unless it exceeds the cost of rolled steel from outside the state by 10%.</p> <p>Louisiana Revised Statutes, Title 39, §39:1595(J)– A reference is applied for the procurement or purchase of Louisiana products whose source is a clay which is mined or originates in Louisiana and which is manufactured, processed, or refined in Louisiana for sale as an expanded clay aggregate form different than its original state, and which is equal in quality to such products manufactured, processed, or refined outside of Louisiana as long as the price is not more than 10% higher than such products from outside the state.</p> <p>Louisiana Revised Statutes, Title 39, § 39:1595 –A preference is applied for products produced, manufactured, assembled, grown or harvested in Louisiana; for meat and meat products and domesticated catfish processed in Louisiana; and for eggs or crawfish processed in Louisiana if the cost is not more than 7% higher than the cost of these products processed out of state.</p> <p>Louisiana Revised Statutes, Title 39, § 39:1595.3 – A preference is awarded to resident vendors to organize or administer rodeos and livestock shows as long as they do not exceed in cost by more than 10% those services available from outside the state.</p> <p>Louisiana Revised Statutes, Title 39, § 39:1595.5 - A preference is awarded for items purchased from a retail dealer located in the state of Louisiana provided the cost does not exceed by more than 10 % the cost of items purchased from a retail dealer located outside the state.</p> <p>Louisiana Revised Statutes, Title 39, § 39:1595.6– A preference is applied for purchasing steel rolled in Louisiana as long is it does not cost more than 10% more than steel rolled outside the state.</p>
<u>Maine</u>	None	None
<u>Maryland</u>	Annotated Code of Maryland, State Finance and Procurement Code, § 14-404 - Preference for the use of Maryland coal in the design of a heating system for a building or facility in which the State of Maryland provides at least 50 % of the money for construction of the building or facility.	<p>Annotated Code of Maryland, State Finance and Procurement Code, Title 14, §14-206 - Preference applied to a small business as long as price does not exceed low bid by more than 5%. Percentage preference may vary among industries to account for their particular characteristics. "Small business" preference means a purchase request for which bids are invited from a list of qualified bidders that includes small businesses. (Md. State Finance and Procurement Code, § 14-201, 202)</p> <p>Annotated Code of Maryland, State Finance and Procurement Code, Title 14, §14-207. 5%</p>

State	Absolute Preferences	Percentage Preferences
		preference by General Services, Department of Transportation, or the University System of Maryland for a procurement contract designated for a small business preference to the small business that is a responsible bidder.
<u>Massachusetts</u>	None	None
<u>Michigan</u>	Michigan Statutes Annotated, Chapter 24, 24.61 - Printing paid wholly or in part with state funds must be printed within the State of Michigan. Firms must use the allied printing trades council union label.	
<u>Minnesota</u>		<p>Minnesota Statutes, Annotated, § 16C.16 - Set-aside of at least 25% of total state procurement of goods and services, including printing and construction to be awarded to small businesses.</p> <p>A preference of up to 6% is to be applied to small targeted group businesses. Small targeted group businesses are majority owned and operated by women, persons with a substantial physical disability, or specific minority groups.</p> <p>Up to a 4% preference may be awarded in the amount bid on state construction to small businesses located in an economically disadvantaged area.</p> <p>Minnesota Administrative Code, § 1230.1830 A certified economically disadvantaged small business may be awarded up to a 6 % preference for commodities and services and a 4 % preference for construction projects.</p>
<u>Mississippi</u>	Mississippi Code 1972 Annotated, § 31-5-23 - Public Works Projects - In the construction of any building, highway, road, bridge or other public work or improvement a preference is awarded in tie bids for the use of only materials grown, produced, prepared, made and or manufactured within the State of Mississippi. The paint, varnish and turpentine used in construction are to be produced in Mississippi.	
<u>Missouri</u>	None	None
<u>Montana</u>	Montana Code Annotated, § 18-2-409 - Montana residents to be employed on state construction contracts. On any state construction project funded by state or federal funds, except a project partially funded with federal aid money from the United States Department of Transportation or where residency preference laws are specifically prohibited by federal law and to which the state is a signatory to	

Last Updated 9/16/2005 Page 13 of 21

State	Absolute Preferences	Percentage Preferences
	the construction contract, at least 50% of the workers must be bona fide Montana residents, as defined in 18-2-401.	
<u>Nebraska</u>	<p>Nebraska Revised Statutes §82-323. The Nebraska Arts Council shall give a preference to regional artists in its selection of and commissioning of artists.</p> <p>Nebraska Administrative Code Title 199, Chapter 2, §002. In scrap tires cleanup and recycling, the director shall give preference to projects which utilize scrap tires generated and used in Nebraska.</p>	
<u>Nevada</u>	Nevada Revised Statutes, Title 27, § 333.4606 - Preference to a bidder who manufactures a product in Nevada in which at least 50 % of the weight of the product is post-consumer waste (a finished material which would normally be disposed of as a solid waste having completed its life.	
<u>New Hampshire</u>	None	None
<u>New Jersey</u>	None	None
<u>New Mexico</u>	<p>New Mexico Statutes Annotated, § 13-1-21 Other than for the purchase of school buses or when the expenditure of federal funds is involved for a bid price greater than \$5,000,000.00 the following preferences apply: (note in the calculations that New Mexico prefers local manufacturers over local businesses.)</p> <p>When bids are received only from nonresident businesses and resident manufacturers and the lowest responsible bid is from a nonresident business, the contract shall be awarded to the resident manufacturer whose bid is nearest to the bid price of the otherwise low nonresident business bidder if the bid price of the resident manufacturer is made lower than the bid price of the nonresident business when multiplied by a factor of .95.</p> <p>When bids are received from resident manufacturers, resident businesses and nonresident businesses and the lowest responsible bid is from a nonresident business, the contract shall be awarded to the resident manufacturer whose bid is nearest to the bid price of the otherwise low nonresident business bidder if the bid price of the resident manufacturer is evaluated as lower than the bid price of the nonresident business when multiplied by a factor of .95. If there is no resident manufacturer eligible for award under this provision, then the contract shall be awarded to the resident business whose bid is nearest to the bid price of the</p>	New Mexico Statutes Annotated, § 13-4-7 – Preference to use New Mexico timber in the construction or repair work of public buildings.

State	Absolute Preferences	Percentage Preferences
	<p>otherwise low nonresident business bidder if the bid price of the resident business is made lower than the bid price of the nonresident business when multiplied by a factor of .95. When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for virgin content goods, the contract shall be awarded to:</p> <p>(1) a resident manufacturer offering the lowest bid on recycled content goods of equal quality if the bid price of the resident manufacturer when multiplied by a factor of .90 is made lower than the otherwise low virgin content goods bid price;</p> <p>(2) a resident business offering a bid on recycled content goods of equal quality if: (a) the bid price of no resident manufacturer following application of the preference allowed in Paragraph (1) of this subsection can be made sufficiently low; and (b) the lowest bid price of the resident business when multiplied by a factor of .90 is made lower than the otherwise low virgin content goods bid price; or</p> <p>(3) a nonresident business or nonresident manufacturer offering recycled content goods of equal quality if: (a) the bid price of no resident business or resident manufacturer following application of the preference allowed in Paragraph (1) or (2) of this subsection can be made sufficiently low; and (b) the lowest bid price of a nonresident offering recycled content goods when multiplied by a factor of .95 is made lower than the otherwise low virgin content bid price.</p> <p>I. When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for recycled content goods offered by a nonresident business or nonresident manufacturer, the contract shall be awarded to: (1) a resident manufacturer offering the lowest bid on recycled content goods of equal quality if the bid price of the resident manufacturer when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price; or (2) a resident business offering a bid on recycled content goods of equal quality if: (a) the bid price of no resident manufacturer following application of the preference allowed in Paragraph (1) of this subsection can be made sufficiently low; and (b) the lowest bid price of the resident business when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price offered by a nonresident business or manufacturer.</p> <p>When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for recycled content goods offered by a resident business, the contract shall be awarded to a resident manufacturer offering the</p>	

State	Absolute Preferences	Percentage Preferences
	<p>lowest bid on recycled content goods of equal quality if the bid price of the resident manufacturer when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price.</p> <p>This section shall not apply when the expenditure of federal funds designated for a specific purchase is involved or for any bid price greater than \$5,000,000. 00.</p> <p>The provisions of this section shall not apply to the purchase of buses from a resident manufacturer or a New Mexico resident business that manufactures buses in New Mexico.</p> <p>New Mexico Statutes Annotated, § 13-4-2 - When bids are received for public works contracts from nonresident contractors and resident contractors and the lowest responsible bid is from a nonresident contractor, the contract shall be awarded to the resident contractor whose bid is nearest to the bid price of the otherwise low nonresident contractor if the bid price of the resident contractor is made lower than the bid price of the nonresident contractor when multiplied by a factor of .95.</p> <p>New Mexico Statutes Annotated, § 13-4-5 - Preference to be given to materials produced, grown, processed or manufactured in New Mexico by citizens or residents of New Mexico or provided or offered by a New York State business enterprise in contracting for materials to be used in the construction or maintenance of public works.</p> <p>New Mexico Statutes Annotated, § 63-9F-6 - Preference of 5% added to the total weight awarded to any business that qualifies as a resident business for a telecommunications relay system that will enable impaired individuals to communicate with unimpaired individuals.</p>	
<u>New York</u>		<p>Consolidated Law of New York, State Finance Law, Article XI, § 165 – Preference of 10 % for recycled products (a product manufactured from secondary materials). Preference of 15 % for products in which 50% of the secondary materials utilized in the manufacture of the product are generated from the waste stream in New York State. "Secondary materials" means any material recovered from or otherwise destined for the waste stream, including, but not limited to post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies. It does not include by-products generated from and commonly reused within an original manufacturing process.</p> <p>New York State labeled wines are provided with favored source status for the purposes of</p>

State	Absolute Preferences	Percentage Preferences
		<p>procurement. Procurement of New York State labeled wines is exempt from the competitive procurement statutes. "New York State labeled wine" means wine made from grapes, at least 75% the volume of which were grown in New York State.</p> <p>Preference in the letting of contracts for food products grown, produced or harvested in the State of New York on behalf of facilities and institutions of the State of New York, who are authorized to purchase products locally. The Commissioner of General Services assisted by the Commissioner of Agriculture and Markets determine the percentage of each food product or class that must meet the requirements.</p>
<u>North Carolina</u>	None	None
<u>North Dakota</u>	North Dakota Administrative Code §89-07-02-26 Preference given to North Dakota bidders for weather modification operations contracts.	
<u>Ohio</u>	<p>Ohio Revised Code Annotated, Title 1, § 125.09 - Preference for United States and Ohio products. Vendors from border states who do not impose greater restrictions on Ohio bidders are treated as Ohio bidders. Also, bidders with a significant Ohio economic presence shall qualify for award of a contract on the same basis as if their products were produced in the State of Ohio.</p> <p>Ohio Revised Code Annotated, Title 1, § 125.11 - Department of Administrative Services, prior to awarding a contract, will first remove from bids goods or supplies that are not produced or mined in the United States. From among the remaining bids, preference to be given to bidders with goods or supplies produced or mined in Ohio.</p>	<p>Ohio Revised Code Annotated, Title 1, § 125.56 - All printing to be executed within Ohio except for printing contracts requiring special, security paper. Preference given to Ohio bidders in printing contracts requiring special, security paper as long as the price is not a price that exceeds by more than 5% the lowest price submitted on a non-Ohio bid.</p> <p>Ohio Administrative Code, Chapter § 123:5-1, Chapter § 123:5-1-06 – Domestic Ohio Bid preference with respect to supply and service contracts, other than construction contracts. A preference is awarded to an Ohio bid as long as the price does not exceed by more than 5% the lowest price submitted on a non-Ohio bid. Ohio "bid" means a bid received from a bidder offering Ohio products or a bidder demonstrating significant Ohio economic presence.</p>
<u>Oklahoma</u>	Oklahoma Statutes, Title 61, § 9 All contracts that expend state funds for construction or repair of state institutions shall require employment of Oklahoma labor and the use of Oklahoma materials if available.	
<u>Oregon</u>	Oregon Revised Statutes, Title 26, § 282.210 - All printing, binding and stationery work for the state and political subdivisions to be performed in the State of Oregon.	
<u>Pennsylvania</u>		Pennsylvania Code, Title 339, Part II, Chapter 11, Article VIII §11.8-815A Pennsylvania cities and townships shall give (5%) percent local preference for resident businesses or products either manufactured in Allentown or manufactured by entities headquartered in Allentown, but the preference is not to exceed \$2,500 in awarding bids. A Resident Business means one which maintains its principal place of business in the City of Allentown or maintains an office which employs at least five (5) employees in the City of Allentown.

Last Updated 9/16/2005 Page 17 of 21

Content continually updated – Do not download for future use – reference online version
Please contact DPS regarding content omissions or discrepancies at 804-786-4067 or email sandra.gill@dgs.virginia.gov

State	Absolute Preferences	Percentage Preferences
<u>Rhode Island</u>	None	None
<u>South Carolina</u>		<p>Code Of Laws Of South Carolina Annotated, Title 11, Article 5, § 11-35-1524 Preference of 7% provided to residents of South Carolina or whose products are made, manufactured, or grown in South Carolina. An additional 3% preference is awarded to a bidder who is both a resident of South Carolina and whose products are made, manufactured, or grown in South Carolina.</p> <p>Preference of 2.5% in contracts awarded pursuant to this section is given to South Carolina contractors in tie bids for highway, bridge, and building construction and building renovation contracts.</p>
<u>South Dakota</u>	<p>SSouth Dakota Codified Laws Annotated, § 5-23-2 -Purchase, leasing, hiring, or leasing-purchase of motor vehicles shall only be from authorized dealers licensed by the State of South Dakota.</p> <p>South Dakota Codified Laws Annotated, §41-20-10. Preference to native trees and tree seeds from South Dakota dealers.</p>	<p>outh Dakota Codified Laws Annotated, §5-19-1.2. Preference given to a person who operates a South Dakota grade A milk plant where milk and milk products are collected, handled, processed, stored, pasteurized, and packaged if his bid is equal to, or within five percent or less, of any other bidder.</p>
<u>Tennessee</u>	<p>Tennessee Code Annotated, § 12-3-810 – Preference for public education institutions to purchase meat, meat food products or meat products from producers located within the State of Tennessee.</p>	
<u>Texas</u>	<p>Texas Codes Annotated, Government Code, Title 2, §44.042. A school district shall give preference to those agricultural produced, processed, or grown in Texas if the cost and quality is equal. Similar preference given to Texas plants, and vegetation used for landscaping purposes.</p> <p>"Agricultural products" include textiles and other similar products.</p> <p>"Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form.</p> <p>Texas Codes Annotated, Government Code Annotated, Title 10, § 2171.052 - Preference given to resident entities of the State of Texas for contracts with travel agents.</p>	<p>Texas Codes Annotated, Government Code, Title 10, § 2155.443 Preference to bidders of rubberized asphalt paving made from scrap tires by a facility located in the State of Texas if the cost as determined by a life-cycle cost benefit analysis does not exceed by more than 15 % the bid cost of alternative paving materials.</p>

State	Absolute Preferences	Percentage Preferences
	Texas Administrative Code , Title 16, Chapter 401, §401.101 The Lottery Commission shall give preference to a Texas resident bidder or proposer and to the purchase or lease of goods produced in Texas if the cost to the state and quality being equal. Second preference given to goods or services produced in other states over foreign produced goods or services, cost and quality being equal.	
<u>Utah</u>	None	None
<u>Vermont</u>	None	None
<u>Washington</u>	Revised Code of Washington, §43.78.130 - All printing, binding, and stationery work done for any state agency, county, city, town, port district, or school district in this state shall be done within Washington as long as it is available in state and the charge is no higher than customarily charged to private customers.	
<u>West Virginia</u>	West Virginia Code Annotated, § 18B-5-4. (9)(c) - Preference for resident bidders in the purchase or acquisition of materials, supplies, equipment and printing by institutions of higher education.	<p>West Virginia Code Annotated, § 5A-3-37 A preference is given to resident bidders for construction contracts over \$50,000 whose employees are at least 75 % West Virginia residents for two years or, nonresident vendors who employ at least 100 residents and have at least 75 % resident employees who have lived in West Virginia continuously for at least two years, as long as their bid does not exceed the lowest qualified bid by 2 ½ %.</p> <p>West Virginia, Code of State Rules, Title 10, Series 12C, §110-12C-3 & §110-12C-4 Construction Services, Commodities and Printing:</p> <p>A two and one-half percent (2.5%) preference to an individual resident vendor who has resided in West Virginia continuously for four (4) years immediately preceding the bid, or a partnership, association or corporation resident vendor which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years to the bid. The entity submitting a bid must actually be performing the services required.</p> <p>A partnership, association or corporation shall be deemed to meet the four (4) year continuous residency requirement if at least eighty percent (80%) of the ownership interest of such resident vendor is held by another individual, partnership, association or corporation resident vendor who otherwise meets the four (4) year continuous residency requirement.</p> <p>A two and one-half percent (2.5%) preference to a bid from a vendor which certifies that on an average at least sixty percent (60%) of the employees working on the project will have been residents of West Virginia continuously for the two (2) years immediately the bid. Bidders shall</p>

State	Absolute Preferences	Percentage Preferences
		<p>be responsible for ensuring subcontractor compliance with the sixty percent (60%) requirement.</p> <p>A qualified bid may receive a five percent (5%) preference if the vendor submitting that bid meets both requirements of the foregoing subsections</p> <p>West Virginia Code of State Rules, Title 148, Series 1, §6.4.4 Department of Administration. All purchases of commodities and printing made upon competitive bids, with the exception of construction services, are subject to a resident vendor preference in accordance with the rules promulgated by the Secretary of the Department of Tax and Revenue (above).</p>
<u>Wisconsin</u>	<p>Wisconsin Statutes, §35.012 Laws and public documents shall be printed in this state except statutes and annotations of the 2nd class, yearbooks and other similar student publications not funded by student fees or student organization income, printing of the 5th and 7th classes and such copyrighted or patented or printing specialties not available for production within this state.</p> <p>Wisconsin Statutes, § 44.57 - Preference to resident artists for works of art in state buildings.</p>	
<u>Wyoming</u>	<p>Wyoming Statutes Annotated, §16-6-104 – Preference for resident Wyoming laborers, workmen and mechanics for all work enumerated in 16-6-102 above whenever possible. Wyoming materials and products of equal quality and desirability shall have preference over materials or products produced outside the state.</p> <p>Wyoming Statutes Annotated, § 16-6-203. Any public works project or improvement for the state or any political subdivision, municipal corporation, or other governmental unit constructing, reconstructing, improving, enlarging, altering or repairing, shall employ only Wyoming laborers. Every contract shall require that Wyoming labor be used unless Wyoming laborers are not available or are not qualified to perform the work.</p> <p>Wyoming Statutes Annotated , § 16-6-803 and Wyoming Rules & Regulations, Chapter 1, § 4 Preference is given to Wyoming artists for works of art in the public buildings of the State of Wyoming.</p>	<p>Wyoming Statutes Annotated, § 9-2-1016(b)(iv)(G) -Preference given to a private sector bidder over a non-private sector bidder in awarding bids or contracts for supplies or services when competitive sealed bidding is required as long as the private sector bidder's bid is not more than 5% higher than that of the lowest responsible non-private sector bidder.</p> <p>Wyoming Statutes Annotated, § 16-6-102 and Wyoming Rules & Regulations, Chapter 6, § 1 - Preference given to a certified resident bidder in public works contracts for the erection, construction, alteration or repair of any public building, or other public structure, or for making any addition thereto, or for any public work or improvement if such bid is not more than 5% higher than that of the lowest responsible non-resident bidder and provided that articles bid are not of inferior quality to those offered by competitors outside the state.</p> <p>Wyoming Statutes Annotated, § 16-6-105 - Preference in public purchases for Wyoming materials, supplies, agricultural products, equipment and machinery manufactured or grown in the State of Wyoming as long as the price is not more than 5% higher than that of the lowest responsible non-resident bidder and provided that articles bid are not of inferior quality to those offered by competitors outside the state.</p> <p>"Agricultural product" means any horticultural, viticultural, vegetable product, livestock, livestock product, bees or honey, poultry or poultry product, sheep or wool product, timber or timber</p>

State	Absolute Preferences	Percentage Preferences
		<p>product.</p> <p>Wyoming Statutes Annotated, § 16-6-107 All public buildings, courthouses, public school buildings, public monuments and other public structures constructed in this state shall be constructed and maintained by materials produced or manufactured in Wyoming if Wyoming materials are suitable and can be furnished in marketable quantities. Preference shall not be granted for materials of an inferior quality to those offered by competitors outside of the state, but a differential of not to exceed 5% may be allowed in cost of Wyoming materials of equal quality as against materials from states having or enforcing a preference rule against "out-of-state" products.</p> <p>Wyoming Statutes Annotated, § 16-6-301 and Wyoming Rules & Regulations, Chapter 6, § 2 - Preference given to resident bidders in public printing contracts if the resident's bid is not more than 10% higher than that of the lowest responsible nonresident bidder. The successful resident bidder shall perform at least 75% of the contract within the state of Wyoming.</p> <p>Wyoming Rules & Regulations, Chapter 14, § 6 – A preference is awarded to Wyoming contractors for any contractual service if the resident's bid is not more than 5% higher than that of the lowest responsible non-resident bidder. Resident laborers, workmen and mechanics are to be used whenever possible, provided that Wyoming materials and products of equal quality and desirability are given preference over materials or products produced outside the State of Wyoming.</p>

Suggested term and condition to be Included in solicitations issued for bids.

Resident Contractor of Virginia: For purposes of applying the Commonwealth’s reciprocal preference law (§2.2-4324) a bidder shall state on their bid if they are a resident contractor of Virginia. A resident contractor shall be deemed to be a resident of this Commonwealth provided the contractor has been organized pursuant to Virginia law or maintains its principal place of business within this Commonwealth.